



1 Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d  
2 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of  
3 sentence).

4 Accordingly, this case is TRANSFERRED to the United States District Court  
5 for the Eastern District of California. See 28 U.S.C. §§ 84(b), 1391(b), 1404(a);  
6 Habeas L.R. 2254-3(b)(1). The Court notes that Petitioner paid the filing fee in an  
7 earlier filed action, Case Number 09-00523 JF (PR), which was dismissed for failure  
8 to file a petition in the time provided. It appears that the petition which Petitioner  
9 intended to file in the earlier case was opened as this separate action.

10 The Clerk shall transfer the entire file to the Eastern District of California.

11 IT IS SO ORDERED.

12 DATED: 10/2/09

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14 JEREMY FOGEL  
15 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SUM,

Petitioner,

v.

NORTHERN DISTRICT OF CALIFORNIA,

Respondent.

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Case Number: CV09-02623 JF

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/7/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Sum F-20945  
CSP-SATF IV  
Substance Abuse Treatment Facility  
P.O. Box 5246; C-5; Cell-132  
Corcoran, CA 93212

Dated: 10/7/09

Richard W. Wieking, Clerk